

**FRENCHTOWN CHARTER TOWNSHIP  
PRECIOUS METAL AND GEM DEALER ORDINANCE  
Ord. No. 213; Date of Adoption: May 11, 2010**

An Ordinance to regulate and license precious metal and gem dealers pursuant to the authority set forth in Public Act 95 of 1981 as amended and Public Act 246 of 1945 as amended.

**THE CHARTER TOWNSHIP OF FRENCHTOWN HEREBY ORDAINS:**

**Section 1. Title.**

This Ordinance shall be known and referred to as the Frenchtown Charter Township Precious Metal and Gem Dealer Ordinance.

**Section 2. Purpose.**

This Ordinance shall regulate and require the registration of all precious metal and gem dealers located within the Township.

**Section 3. State Law Adopted.**

The Township hereby adopts by reference the Precious Metal and Gem Dealer Act 95, Public Acts of 1981, as amended, (the "Act") being Sections 445.481 through 445.492 of the Michigan Compiled Laws.

**Section 4. Definitions.**

As used in this Ordinance:

1. "Agent or Employee" means a person who, for compensation or valuable consideration, is employed either directly or indirectly by a dealer.
2. "Dealer" means any person, corporation, partnership, or association, which, in whole or in part, engages in the ordinary course of repeated and recurrent transactions of buying or receiving precious items from the public within this state.
3. "Local Governmental Unit" means Frenchtown Charter Township.
4. "Local Police Agency" means the Monroe County Sheriff's Office.
5. "Precious Gem" means a diamond, alexandrite, ruby, sapphire, opal, amethyst, emerald, aquamarine, morganite, garnet, jadeite, topaz, tourmaline, turquoise, or pearl.
6. "Precious Item" means jewelry, a precious gem, or an item containing gold, silver, or platinum. Precious Item does not include the following:

- A. Coins, commemorative medals, and tokens struck by or in behalf of a government or private mint.
- B. Bullion bars and discs of the type traded by banks and commodity exchanges.
- C. Items at the time they are purchased directly from a dealer registered under the Act, a manufacturer, or a wholesaler who purchased them directly from a manufacturer.
- D. Industrial machinery or equipment.
- E. An item being returned to or exchanged at the dealer where the item was purchased and that it accompanied by a valid sales receipt.
- F. An item which is received for alteration, redesign, or repair in a manner that does not substantially change its use and returned directly to the customer.
- G. An item which does not have a jeweler's identifying mark or a serial mark and which the dealer purchases for less than \$5.00.
- H. Scrap metal which contains incidental traces of gold, silver, or platinum that are recoverable as a by-product.
- I. Jewelry which a customer trades for other jewelry having a greater value and which difference in value is paid by the customer.

**Section 5. Dealer Application and Requirements.**

A dealer shall not conduct business in Frenchtown Charter Township unless the dealer has obtained a valid certificate of registration from local governmental unit and the local police agency. A dealer shall apply to the Township for the certificate of registration and pay a fee of Fifty (\$50.00) Dollars to cover the reasonable costs of processing and issuing the certificate of registration by disclosing the following information:

1. The name, address and thumbprint of the applicant.
2. The name and address under which the applicant does business.
3. The name, address, and thumbprint of all agents or employees of the dealer. Within 24 hours after hiring a new employee, the dealer shall forward to the local police agency, the name, address and thumbprint of the new employee.

Upon receipt of the completed application, the local police agency shall conduct a criminal history search as provided for by the Act. The local governmental unit and the local police agency shall issue a certificate of registration upon receipt of a satisfactory application and upon a satisfactory criminal history search by the local policy agency.

Upon receipt of the certificate of registration from the local governmental unit and local police agency, the dealer shall post the certificate in a conspicuous place in the dealer's place of business.

Not less than the 10 days before a dealer changes the name or address in which the dealer does business, the dealer shall notify the local government unit and the local police agency of the change.

**Section 6. Thumbprints Required.**

All thumbprints required by this Ordinance shall be taken by the local policy agency or its designee.

**Section 7. Applicants to Provide Information as to Locations of Business.**

A dealer shall disclose to the local governmental unit and the local police agency all locations within the Township within which such dealer intends to conduct business regulated by this Ordinance including any proposed temporary locations.

**Section 8. Access to Premises.**

The dealer shall allow the local governmental unit and the local policy agency and their designees access to the premises in which the dealer conducts or intends to conduct business during reasonable times and during business hours for inspection and observation for compliance with this Ordinance and the Act.

**Section 9. Records of Transactions.**

A dealer shall maintain and provide records of transactions to the local police agency on the form provided in accordance with the provisions of the Act.

**Section 10. Compliance with Local Zoning, Ordinances and Laws.**

The provisions of this Ordinance and the Act shall not exempt a dealer from complying with the Township Zoning Ordinance or any other Township Ordinance or requirements and County and State laws.

**Section 11. Penalty.**

Any person, firm or corporation violating any Section of this Ordinance shall be guilty of a misdemeanor and shall be punished by a fine not to exceed \$500.00 or by being imprisoned in the County Jail for not more than ninety (90) days, or both such fine and imprisonment at the discretion of the Court. Each day of violation shall constitute a separate offense.

**Section 12. Repeal.**

All Ordinances in conflict with this Ordinance are to the extent of such conflict hereby repealed.

**Section 13. Severability.**

This Ordinance and the various parts, sentences, paragraphs, sections, subsections, phrases and clauses thereof are declared to be severable and if any of them are adjudged unconstitutional or invalid, it is hereby provided that the remainder of the Ordinance shall not be affected.

**Section 14. Effective Date.**

This Ordinance shall become effective thirty days after adoption and publication in a newspaper having general circulation in the Charter Township of Frenchtown, Monroe County, Michigan.